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EXAMINER	
PATEL, ASHOKKUMAR B	
ART UNIT	PAPER NUMBER
2154	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/023,674	SCHMIDT ET AL.	
	Examiner	Art Unit	
	Ashok B. Patel	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 October 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) *5 and 40-42* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 6-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-42 are subject to examination. Claims 5 and 40-42 are cancelled.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/18/2006 has been entered.

Response to Arguments

3. Applicant's arguments filed 10/18/2006 have been fully considered but they are not persuasive for the following reasons:

Applicant's response:

"The above referenced limitations are not taught or suggested by Simmons. As such, Applicant believes currently amended claim 1, and the claims that depend from it, are in condition for allowance and respectfully requests they be passed to allowance."

Examiner's response:

Simmons teaches at col. 7, line 65-col. 8, line 5, "Access control in the network access system of the present invention is provided by authentication system 205. Authentication system 205 verifies that all users accessing the network access system 105 are authorized to do so. Authentication system 205 may include log-in prompting,

encryption, decryption, and digital signature authentication functions." Thus, Simmons teaches "Accessing, by a redirecting device, only subscriber upstream traffic to a destination site requested by the subscriber;

Simmons teaches at Fig. 2, element 201, bulletin server (the consolidating and management device) is a separate device than the redirecting device (Fig.2, elements 205, 205, 207 and 208). Please note that Fig. 2, depicts "Network Access System' with separate devices, wherein "Access control in the network access system of the present invention is provided by authentication system 205.", as stated in col. 7, line 65-67. Also as stated in col. 5, line 14-30, "In one embodiment of the present invention, the bulletin delivery function is implemented by a bulletin server incorporated into a network access system. The bulletin server operates by monitoring information being relayed to external computers, by determining whether a bulletin is to be sent with each piece of information being relayed, and, when required, by selecting a bulletin to be sent with, and by attaching (if necessary) the selected bulletin to, the piece of information being relayed by the network access system. Once the bulletin server has determined that no bulletin is to be sent with the piece of information being relayed by the network access system, or the bulletin server has selected and attached (if necessary) a bulletin to the piece of information being relayed by the network access system, the network access system then delivers the information and the bulletin (if to be sent) from the remote information server to the external computer." Thus, although bulletin server is incorporated into a network access system, it is a separate device, since "The bulletin server operates by monitoring information being relayed to external computers, by

determining whether a bulletin is to be sent with each piece of information being relayed, and, when required, by selecting a bulletin to be sent with, and by attaching (if necessary) the selected bulletin to, the piece of information being relayed by the network access system."

Thus, Simmons teaches "Providing, by the redirecting device, the unique subscriber identification to a consolidating and management device, wherein the consolidating and management device is separate from the redirecting device;".

Simmons teaches Simmons teaches at col. 10, line 37-col. . 11, line 4, "FIGS. 5a and 5b illustrate an embodiment of a method of the present invention in which bulletins may be sent to an external computer based upon the passing of a time interval in addition to being sent with requested information. As shown, blocks 501, 503-506, and 508-510, and tests 502 and 507 perform identical functions to those provided by blocks 401, 403-406, and 408-410, and tests 402 and 407 as described in connection with FIG. 4. Upon the relaying of information and possibly a bulletin at block 510, under this method a timer is started at block 511. This timer determines the amount of time that passes between consecutive information relays from the network access system to an external computer. At test 512, the bulletin server determines whether the external computer has requested information from a remote information server. If a request has been issued, the method returns to block 502 to handle the request. If no information has been requested by the external computer at test 512, the bulletin server determines whether the timer has exceeded a given time interval at test 513. If it is determined at test 513 that the timer has not exceeded the given time interval, the bulletin server loops

back to test 512 to check once again to see if the external computer has requested information from a remote information server. If it is determined at test 513 that the timer has exceeded the given time interval, the bulletin server creates a null information packet to be transmitted to the external computer at block 514. This packet is created to maintain communication protocol with the external computer and may be omitted where the communication protocol between the network access system and the external computer does not require it. At block 515, the bulletin server selects a bulletin to be sent to the external computer. Once a bulletin has been selected, the bulletin server then attaches the selected bulletin to the null information (when present) and relays the null information and bulletin to the external computer at blocks 516 and 517."

Simon teaches at col. 11, line 11-15, "The external computer may receive relayed information only, relayed information and attached bulletins, null information and attached bulletins, or bulletins only (in embodiments of the invention where bulletins can be sent without attached information)." Thus, the information is relayed and not forwarded by the redirecting device (Fig.2, elements 205, 205, 207 and 208).

Thus, as stated above, Simmons teaches "If the bulletin message for the subscriber is not desired, allowing, by the redirecting device, a direct connection from the subscriber to the destination site to proceed normally, and sending, only by the destination site, downstream web traffic to the subscriber without forwarding the downstream web traffic by the redirecting device;".

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-4 and 6-39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification of this application under examination in such a way as to reasonably convey to one skilled in the relevant art to use and/or make the invention.

6. The specification of this application under examination does not contain subject matter to implement limitations, "a direct connection from the subscriber to the destination site to proceed normally, and sending, only by the destination site. downstream web traffic to the subscriber without forwarding the downstream web traffic by the redirecting device;", as cited in Claim 1. Examiner has reviewed the specification of this application under examination and could not find support for the additional limitations as claimed.

Examiner is interpreting this limitation as "without affecting the downstream web traffic, that is unmodified" for the purpose of this office action as the downstream traffic is defined as being "sending, only by the destination site."

Referring to claims 2-4 and 6-39,

Claims 2-4 and 6-39 are rejected for the reasons set forth for claim 1 as above, because of their dependency on claim 1.

Referring to claim 37,

Claim 37 recites " subscribers that are utilizing more than one simultaneous device per subscription." Examiner is unable to understand "simultaneous device". Examiner is interpreting this limitation as subscriber utilizing multiple devices.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4, 6-21 and 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Simmons (US 5, 974, 451).

Referring to claim 1,

Simmons teaches a method for communicating real-time to subscribers of an Internet Service Provider (ISP) (Fig. 2, col. 7, line 66-col. 8, line 5, ""Access control in the network access system of the present invention is provided by authentication system 205. Authentication system 205 verifies that all users accessing the network access system 105 are authorized to do so. Authentication system 205 may include log-in prompting, encryption, decryption, and digital signature authentication functions."), comprising the steps of:

a. Accessing, by a redirecting device, only subscriber upstream web traffic to a destination site requested by the subscriber; (col. 5, line 8-13, "In addition to delivering bulletins with information being relayed by the network access systems, in preferred

embodiments of the present invention, the network access systems also determine whether bulletins are to be delivered and which bulletins are to be delivered to the external computers.", and line 30-47, col. 10, line 37-col. . 11, line 4, "If a request has been issued, the method returns to block 502 to handle the request.")

b. Identifying, by the redirecting device, the subscriber to provide a unique subscriber identification based on the accessed subscriber upstream traffic (col. 4, line 14-18, "Third, the network access system can always identify the users of the network access system with absolute certainty since the users are required to provide verifiable log-in information when initially accessing the network access system.");

c. Providing, by the redirecting device, the unique subscriber identifier to a consolidating and management device, wherein the consolidating and management device is separate from the redirecting device; (col. 5, line 30-47, col. 8, line 36-44, "Bulletin server 201 may further provide a user database from which the selection logic can retrieve information on the users accessing the network access system." Simmons teaches at Fig. 2, element 201, bulletin server (the consolidating and management device) is a separate device than the redirecting device (Fig.2, elements 205, 205, 207 and 208). Please note that Fig. 2, depicts "Network Access System' with separate devices, wherein "Access control in the network access system of the present invention is provided by authentication system 205.", as stated in col. 7, line 65-67. Also as stated in col. 5, line 14-30, "In one embodiment of the present invention, the bulletin delivery function is implemented by a bulletin server incorporated into a network access system. The bulletin server operates by monitoring information being relayed to external

computers, by determining whether a bulletin is to be sent with each piece of information being relayed, and, when required, by selecting a bulletin to be sent with, and by attaching (if necessary) the selected bulletin to, the piece of information being relayed by the network access system. Once the bulletin server has determined that no bulletin is to be sent with the piece of information being relayed by the network access system, or the bulletin server has selected and attached (if necessary) a bulletin to the piece of information being relayed by the network access system, the network access system then delivers the information and the bulletin (if to be sent) from the remote information server to the external computer." Thus, although bulletin server is incorporated into a network access system, it is a separate device, since "The bulletin server operates by monitoring information being relayed to external computers, by determining whether a bulletin is to be sent with each piece of information being relayed, and, when required, by selecting a bulletin to be sent with, and by attaching (if necessary) the selected bulletin to, the piece of information being relayed by the network access system.")

d. Determining, by the consolidating and management device, the subscriber associated with the unique subscriber identification (col. 5, line 30-47, col. 8, line 36-44, "Bulletin server 201 may further provide a user database from which the selection logic can retrieve information on the users accessing the network access system."), and if a bulletin message for the subscriber is desired, sending policy information to the redirecting device, wherein the policy information includes at least one of: time of delivery, frequency, triggering activity, an associated web page to be delivered or other

content to be delivered (col. 4, line 4-8, col. 3, line 47-67, col. 5, line 30-47,col. 6, line 15-58," In other embodiments of the present invention, a bulletin may be sent as separate data along with a piece of information passing through the network access system rather than attaching the bulletin directly to the information. for example, where information is being sent as a bitmap or text file, a bulletin could be sent as an additional bitmap, text, or other type of file."); and

e. If bulletin message for the subscriber is not desired, allowing, by the redirecting device, a direct connection from the subscriber to the destination site to proceed normally, and sending, only by the destination site, downstream web traffic to the subscriber without forwarding the downstream web traffic by the redirecting device; (col. 3, line 64-67, Simmons teaches Simmons teaches at col. 10, line 37-col. . 11, line 4, "FIGS. 5a and 5b illustrate an embodiment of a method of the present invention in which bulletins may be sent to an external computer based upon the passing of a time interval in addition to being sent with requested information. As shown, blocks 501, 503-506, and 508-510, and tests 502 and 507 perform identical functions to those provided by blocks 401, 403-406, and 408-410, and tests 402 and 407 as described in connection with FIG. 4. Upon the relaying of information and possibly a bulletin at block 510, under this method a timer is started at block 511. This timer determines the amount of time that passes between consecutive information relays from the network access system to an external computer. At test 512, the bulletin server determines whether the external computer has requested information from a remote information server. If a request has been issued, the method returns to block 502 to handle the

request. If no information has been requested by the external computer at test 512, the bulletin server determines whether the timer has exceeded a given time interval at test 513. If it is determined at test 513 that the timer has not exceeded the given time interval, the bulletin server loops back to test 512 to check once again to see if the external computer has requested information from a remote information server. If it is determined at test 513 that the timer has exceeded the given time interval, the bulletin server creates a null information packet to be transmitted to the external computer at block 514. This packet is created to maintain communication protocol with the external computer and may be omitted where the communication protocol between the network access system and the external computer does not require it. At block 515, the bulletin server selects a bulletin to be sent to the external computer. Once a bulletin has been selected, the bulletin server then attaches the selected bulletin to the null information (when present) and relays the null information and bulletin to the external computer at blocks 516 and 517." Simon teaches at col. 11, line 11-15, "The external computer may receive relayed information only, relayed information and attached bulletins, null information and attached bulletins, or bulletins only (in embodiments of the invention where bulletins can be sent without attached information)." Thus, the information is relayed and not forwarded by the redirecting device (Fig.2, elements 205, 205, 207 and 208)).

f. If the bulletin message for the subscriber is desired, examining, by the redirecting device, the accessed upstream traffic to determine if it is possible to send a redirection, wherein the examining occurs without modifying the accessed upstream

traffic; (col. 5, line 8-13, "In addition to delivering bulletins with information being relayed by the network access systems, in preferred embodiments of the present invention, the network access systems also determine whether bulletins are to be delivered and which bulletins are to be delivered to the external computers.", and line 30-47) and

g. Based on the policy information, sending to the subscriber by the redirecting device, the redirection for a different destination site. (col. 5, line 4-8, "The bulletin delivery function operates by sending bulletins along with information being relayed by the network access systems from the remote information servers to the external computers.")

Referring to claim 2,

Simmons teaches the method of claim 1, wherein the bulletin message vehicle is an area within a window on the subscriber PC's browser. (col. 6, line 59-col. 7, line 3, "These displays of the bulletins and information could be presented through the execution of World Wide Web browsers (such as Netscape Navigator available from Netscape Communications Corporation and Internet Explorer available from Microsoft Corporation)").

Referring to claim 3,

Simmons teaches the method of claim 1, wherein the bulletin message vehicle is a prompt provided on the subscriber PC. (col. 6, line 33-38, "As another example, the bulletin and the information may be displayed as part of separate images by first displaying the bulletin, and then displaying the requested information after the user has responded to the displayed bulletin or a predetermined time period has passed.")

Referring to claim 4,

Simmons teaches the method of claim 1, wherein the subscriber is a customer identification comprising at least one of an account number, modem MAC address or serial number, or other fixed identifier. (col. 4, line 14-18, "Third, the network access system can always identify the users of the network access system with absolute certainty since the users are required to provide verifiable log-in information (other fixed identifier) when initially accessing the network access system.").

Referring to claim 6,

Simmons teaches the method of claim 1, wherein the subscriber is identified to belong to a defined group of subscribers and wherein the bulletin message is selectively sent to a pre-selected subscriber group. (col. 4, line 1-13, col. 5, line 41-44, "For example, the bulletin server may be configured to send bulletins with pieces of information destined for a first set of users and not send bulletins with pieces of information destined for a second set of users. In such a configuration, only those pieces of information destined for the first set of users would be determined as being accompanied by a bulletin.")

Referring to claim 7,

Simmons teaches the method of claim 1, wherein the examining step further includes working through Web browsers irrespective of the World Wide Web destination sought by the subscriber (col. 4, line 4-8, col. 5, line 30-47, col. 6, line 59-col. 7, line 3, "These displays of the bulletins and information could be presented through the execution of World Wide Web browsers (such as Netscape Navigator available from

Netscape Communications Corporation and Internet Explorer available from Microsoft Corporation)").

Referring to claim 8,

Simmons teaches the method of claim 7, further including the step of returning the subscriber to the original World Wide Web destination after the bulletin message has been transmitted. (col. 6, line 33-38, "As another example, the bulletin and the information may be displayed as part of separate images by first displaying the bulletin, and then displaying the requested information after the user has responded to the displayed bulletin or a predetermined time period has passed.")

Referring to claim 9,

Simmons teaches the method of claim 1, wherein the examining step is further adapted for working with multiple types of content.(col. 5, line 30-47, "Once again, the bulletin server looks at data such as the content, format, and destination of the piece of information and other data stored in the bulletin server (e.g., user's address, age, gender, occupation, race, income, ethnicity, national origin, religion, education level, personal interests, etc., or user's profile data) to determine which bulletin to select.")

Referring to claims 10 and 11,

Simmons teaches the method of claim 1, wherein the examining step is performed by a hardware device that can be simply connected at various points, in plurality, in a provider infrastructure. (Fig. 2, elements 201, 204-208), and the method of claim 10, further including a plurality of said hardware devices. (col. 8, line 24-50, Fig. 2, elements 201, 204-208).

Referring to claim 12,

Simmons teaches the method of claim 10, further including the step of providing optional fail-safe operation of each device such that failure does not disrupt other normal browsing and Internet activity of the subscriber but results only in an interruption of bulletin message delivery. (Fig. 2, col. 3, line 63-67, col. 11, line 11-15, "The external computer may receive relayed information only, relayed information and attached bulletins, null information and attached bulletins, or bulletins only (in embodiments of the invention where bulletins can be sent without attached information).", Bulletin Server is inherently designed, placed and providing functionality to not to interfere other normal browsing and Internet activity of the subscriber but results only in an interruption of bulletin message delivery if failed.)

Referring to claims 13 and 14,

Simmons teaches the method of claim 1, wherein examining step is provided by a software system installed on a computer system that is connected at various points, singly or in plurality, in a provider infrastructure, and The method of claim13, further including a plurality of hardware devices, each including one of said software system. (col. 8, line 24-50, Fig. 2, element 201, 204-208, col. 8, line 24-50, col. 7, line 65-col. 8, line 5).

Referring to claim 15,

Simmons teaches the method of claim 13, further including the step of providing optional fail-safe operation of each device such that failure does not disrupt other normal browsing and Internet activity of the subscriber but results only in an interruption

of bulletin message delivery. (Fig. 2, col. 3, line 63-67, col. 11, line 11-15, "The external computer may receive relayed information only, relayed information and attached bulletins, null information and attached bulletins, or bulletins only (in embodiments of the invention where bulletins can be sent without attached information).", Bulletin Server is inherently designed, placed and providing functionality to not to interfere other normal browsing and Internet activity of the subscriber but results only in an interruption of bulletin delivery if failed.)

Referring to claims 16, 17 and 18,

Simmons teaches the method of claim 1, further including the step of defining a specific policy for controlling selective transmission of bulletin messages to the subscriber. (col. 5, line 34-41, "user's profile data"), and the method of claim 16, further including the step of defining a policy that includes a Web URL or other page information (col. 6, line 15-58," In other embodiments of the present invention, a bulletin may be sent as separate data along with a piece of information passing through the network access system rather than attaching the bulletin directly to the information. for example, where information is being sent as a bitmap or text file, a bulletin could be sent as an additional bitmap, text, or other type of file."), and the method of claim 16, further including the step of defining a policy that includes timing and frequency of delivery. (col. 9, line 39-54, col. 10, line 37-col. 11, line 4, "This timer determines the amount of time that passes between consecutive information relays from the network access system to an external computer. At test 512, the bulletin server determines whether the external computer has requested information from a remote information

server. If a request has been issued, the method returns to block 502 to handle the request.").

Referring to claim 19,

Simmons teaches the method of claim 16, further including the step of defining a policy for activating the redirecting device to deliver a message in response to a selected subscriber activity. (col. 9, line 39-54, col. 10, line 37-col. 11, line 4, ""This timer determines the amount of time that passes between consecutive information relays from the network access system to an external computer. At test 512, the bulletin server determines whether the external computer has requested information from a remote information server. If a request has been issued, the method returns to block 502 to handle the request.").

Referring to claims 20 and 21,

Simmons teaches the method of claim 19, wherein the activity comprises a defined destination, and the method of claim 19, wherein the activity comprises an amount of activity by the subscriber. (col. 9, line 39-54, col. 10, line 37-col. 11, line 4, ""This timer determines the amount of time that passes between consecutive information relays from the network access system to an external computer. At test 512, the bulletin server determines whether the external computer has requested information from a remote information server. If a request has been issued, the method returns to block 502 to handle the request.")

Referring to claims 23 and 24,

Simmons teaches the method of claim 1, further including the step of generating a plurality of independently designated policies to be delivered correctly to the subscriber even if some policy events invoke in simultaneity (col. 5, line 41-47, "For example, the bulletin server may be configured to send bulletins with pieces of information destined for a first set of users and not send bulletins with pieces of information destined for a second set of users. In such a configuration, only those pieces of information destined for the first set of users would be determined as being accompanied by a bulletin.", col.11, line 11-15 , " The external computer may receive relayed information only, relayed information and attached bulletins, null information and attached bulletins, or bulletins only (in embodiments of the invention where bulletins can be sent without attached information). Thus, Simmons clearly teaches "generating a plurality of independently designated policies to be delivered correctly to the subscriber even if some policy events invoke in simultaneity."), and the method of claim 23, wherein the examining step includes an ability to acquire the knowledge of the policies (col. 9, line 39-54, , "predetermined factors such as the time since the last bulletin was attached or the number of times information has been relayed since the last bulletin was attached.")and the identifier when a Web or other request is detected with only an identifying IP address. (col. 9, line 39-54, "user's address").

Referring to claim 25,

Simmons teaches the method of claim 24, wherein the examining step is further adapted for minimizing the overhead of acquiring subscriber parameters through

caching of the subscriber information that for a determined portion of the time. (col. 8, line 66 through col. 9, line 54, col. 3, line 10-15).

Referring to claim 26,

Simmons teaches the method of claim 1, wherein the examining step is further adapted for use in connection with the consolidating and management device management device for permitting a group of redirecting devices to be viewed by the provider as a single system. (Fig. 2, col. 5, line 4-8, "The bulletin delivery function operates by sending bulletins along with information being relayed by the network access systems from the remote information servers to the external computers.")

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 22, 27-34 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons (US 5, 974, 451) in view of Castell et al. (hereinafter Castell)(US 2002/0132607 A1).

Referring to claim 22,

Keeping in mind Simmons teachings as stated above, Simmons fails to teach method of claim 19, wherein the activity comprises a request carrying a signature of virus contamination.

Castell teaches wherein the activity comprises a request carrying the signature of virus contamination. (Abstract, "message detector", para. [0046], "unsolicited message coming from the virus itself ", [0047], "all points bulletin (APB) generator to prevent the spread of unsolicited messages")

Therefore it would have been an obvious to one of an ordinary skill in art, having the teachings of Simmons and Castell in front of him at the time of invention was made, to provide and enhance Simmon's Bulletin server with Castell's message detector and an all points bulletin (APB) generator such that the message detector applies predefined filtering rules to identify and act upon unsolicited email messages to reduce the total number of transmissions in the wireless communication system. The APB generator allows messages to be sent to wireless mobile communication devices through direct wireless messages instead of through email messages.

Referring to claims 27 and 28,

Keeping in mind Simmons teachings as stated above, Simmons fails to teach the method of claim 1, wherein the identifying step uses an enforced delivery of a Web page to be used in a distribution and subscription of new subscribers without prior knowledge of serial numbers associated with the new subscriber's interface equipment and without requiring the subscriber to utilize special software and the method of claim 27, further comprising the step of using the enforced delivery of a Web page to reduce a volume of telephone support requests by an enforced pre-announcement of known, future system outages due to scheduled maintenance.

Castell teaches the claimed elements in [0047] Instead, an all points bulletin via direct wireless messaging makes use of wireless messaging infrastructure in order to communicate a message to all of the mobile devices configured for operation in conjunction with a wireless server." (without requiring the subscriber to utilize special software), and (para. [0049], "Although this particular embodiment illustrates manual operation generation of APB message 608, automated APB messages can be generated, for example for advertising purposes (uses an enforced delivery of a Web page to be used in a distribution) In further alternate embodiments, a periodic APB can instruct all users on enabling further services in deployments where a mobile device is only enabled for direct wireless messaging. Additionally, direct wireless APB generator 500 can provide a means to send an announcement with instructions on obtaining an email address to new users of a wireless messaging device (subscription of new subscribers without prior knowledge of serial numbers associated with the new subscriber's interface equipment), and [0053]), "For example, once an unsolicited message is identified by message detector 200, an automatic APB message can be generated by APB generator 500 to notify and warn an intended recipient user (using the enforced delivery of a Web page), or all users, about the unsolicited message. Furthermore, global filter rules can be automatically created by the wireless congestion reduction system by updating its database with a "black-list" of known unsolicited messages or unsolicited message senders. Further aspects of the wireless congestion reduction system that can similarly be automated to further ease use of the system. (reduce a volume of telephone support requests by an enforced pre-announcement of

known, future system outages due to scheduled maintenance", note: the system is automated.)

Therefore it would have been an obvious to one of an ordinary skill in art, having the teachings of Simmons and Castell in front of him at the time of invention was made, to provide and enhance Simmon's Bulletin server with Castell's a message detector and an all points bulletin (APB) generator such that once an unsolicited message is identified by message detector, an automatic APB message can be generated by APB generator to notify and warn an intended recipient user, or all users, about the unsolicited message. Furthermore, global filter rules can be automatically created by the wireless congestion reduction system by updating its database with a "black-list" of known unsolicited messages or unsolicited message senders.

Referring to claims 29, 30, 31, 32 and 33,

Keeping in mind Simmons teachings as stated above, Simmons fails to teach the method of claim 27, further comprising the step of using the identifier for detection of "signature" forms of Internet packets that indicate a presence of undesirable Content, and the method of claim 29, wherein the undesirable content is a virus, and the method of claim 29, further including the step of transmitting a message identifying the undesirable content to a provider, and the method of claim 29, further including the step of transmitting a bulletin message identifying the undesirable content to the subscriber and the method of claim 31, further including the step of logging the undesirable content identifying message.

Castell teaches the method of claim 27, further comprising the step of using the identifier for detection of "signature" forms of Internet packets that indicate a presence of undesirable Content (para.[0058], "Auto-message generator 722 may generate an APB message when message detector 702 has matched a global filter rule to an unsolicited email message, for example."), and the method of claim 29, wherein the undesirable content is a virus (para.[0058], "This automatically generated message can have a generic message text indicating that the email message sent from a particular sender or having a particular subject line has been identified as an unsolicited message, or as having a potential virus attached to it."), and the method of claim 29, further including the step of transmitting a message identifying the undesirable content to a provider, and the method of claim 29, further including the step of transmitting a bulletin message identifying the undesirable content to the subscriber (para.[0058], "Generally, auto-message generator 724 executes the operations indicated at 602 to 606 of FIG. 9, except that the message body text and list of recipients are automatically generated instead of manually provided by an administrator."), and the method of claim 31, further including the step of logging the undesirable content identifying message. (para.[0039], "At step 420, a determination is made as to whether the message matches any of the conditions in the global filters corresponding to a filter rule with an associated pre-configured action. In the event that the message matches at least one condition, the corresponding pre-configured action for that particular condition is applied to the message at step 422, which can include marking the message so that it is not sent to a mobile device 100, such as a handheld data communications device.")

Therefore it would have been an obvious to one of an ordinary skill in art, having the teachings of Simmons and Castell in front of him at the time of invention was made, to provide and enhance Simmon's Bulletin server with Castell's a message detector and an all points bulletin (APB) generator such that once an unsolicited message is identified by message detector, an automatic APB message can be generated by APB generator to notify and warn an intended recipient user, or all users, about the unsolicited message. Furthermore, global filter rules can be automatically created by the wireless congestion reduction system by updating its database with a "black-list" of known unsolicited messages or unsolicited message senders.

Referring to claim 34,

Simmons teaches the method of claim 28, wherein there is further manually accessed provider information Web site and the transmitting step includes enforcing a delivery of other subscriber-beneficial information that is currently displayed on the manually accessed provider information Web site. (col. 6, line 51-58, "As yet another example, the bulletin and the information may be displayed as part of separate images by displaying the bulletin and the requested information in separate windows within the same display or in different displays. In such implementations, activating a Hyper-Text link in the bulletin display (where the bulletin supports Hyper-Text link), could cause the information display to display more information about the bulletin.").

Referring to claim 39,

Keeping in mind Simmons teachings as stated above, Simmons fails to teach the method of claim 16, further including the step of transmitting explanations to be issued,

in an enforced manner, to subscribers, after a service interruption, in such a manner as to alleviate customer dissatisfaction by illuminating and explaining the problem and the future efforts that are to be taken to eliminate such problems.

Castell teaches in para.[0050], "A wireless server administrator may thereby send an APB to each mobile device registered on a wireless server 60 without the messages going through a messaging server 40, such as an Exchange Server. Unlike known system which use email distribution lists, where the APB is sent to each user's email address, systems according to aspects of the present invention send the messages directly to a mobile device using the device wireless network identification number (WNIN). In the event that an email virus attack cripples mail servers, APB messages can still be sent to all mobile device users informing them of the status of the email system. (transmitting explanations to be issued, in an enforced manner, to subscribers, after a service interruption) Thus, there is less reliance on messaging servers, and mobile device user frustration is minimized during an email outage. Furthermore, for those users who are prone to accidentally activating the virus when they open it on their desktop messaging client, the wireless messaging APB messages may be sent to users' mobile devices to instruct the users to delete the unsolicited messages from their desktop."(in such a manner as to alleviate customer dissatisfaction by illuminating and explaining the problem and the future efforts that are to be taken to eliminate such problems.))

Therefore it would have been an obvious to one of an ordinary skill in art, having the teachings of Simmons and Castell in front of him at the time of invention was made,

to provide and enhance Simmon's Bulletin server with Castell's a message detector and an all points bulletin (APB) generator such that in the event that an email virus attack cripples mail servers, APB messages can still be sent to all mobile device users informing them of the status of the email system. Thus, there is less reliance on messaging servers, and user frustration is minimized during an email outage as taught by Castell.

11. Claims 35-37 are rejected under 35 U.S.C. 103(a) as being Unpatentable over Simmons (US 5, 974, 451) in view of Gerace (US 5, 991, 735).

Referring to claim 35,

Keeping in mind the teachings of Simmons as stated above for claim 16, although Simmons teaches transmission of bulletin messages to each subscriber, Simmons fails to teach the method of claim 16, further including the step of logging successful transmission of bulletin messages to each subscriber.

Gerace teaches logging successful transmission of bulletin messages to each subscriber at Fig. 3G and col. 7, line 16-48 ("The User Viewing History Object 37f stores information indicative of the screen views displayed to the user in a session." "Lastly, the User Viewing History Object 37f records date and time of screen opening and closing for each screen view. The foregoing is stored in an object table record illustrated in FIG. 3g.", and col. 2, line 43-49, "In accordance with another aspect of the present invention, there is a module (e.g., advertisement module) that records history of users viewing the advertisements. For each advertisement, the module records (i) number of times viewed by a user; (ii) number of times selected for further information

by a user, and/or (iii) number of purchases initiated from display of the advertisement to a user.")

Therefore it would have been an obvious to one of an ordinary skill in art, having the teachings of Simmons and Gerace in front of him at the time of invention was made, to add program 31 of Gerace in the bulletin server of Simmons such that logging of successful transmission of bulletins is confirmed at the bulletin server through the user viewing history.

This would have been also obvious because, as Gerace teaches, the tracking and profiling member also records demographics of each user. As a result, the data assembly is able to transmit advertisements for display (in case of Simmons , Bulletins) to users based on psychographic and demographic profiles of the user to provide targeted marketing.

Referring to claim 36,

Keeping in mind the teachings of Simmons as stated above for claim 16, although Simmons teaches interactive responses that have been requested within the policy, at col.. 10, line 12-20, (activation of Hyper-text link), Simmons fails to teach the method of claim 16, further including the step of logging interactive responses that have been requested within the policy,

Gerace teaches logging interactive responses at Fig. 3G and col. 7, line 16-48 ("The User Viewing History Object 37f stores information indicative of the screen views displayed to the user in a session." "Lastly, the User Viewing History Object 37f records date and time of screen opening and closing for each screen view. The foregoing is

stored in an object table record illustrated in FIG. 3g.", and col. 2, line 43-49, "In accordance with another aspect of the present invention, there is a module (e.g., advertisement module) that records history of users viewing the advertisements. For each advertisement, the module records (i) number of times viewed by a user; (ii) number of times selected for further information by a user, and/or (iii) number of purchases initiated from display of the advertisement to a user.")

Therefore it would have been an obvious to one of an ordinary skill in art, having the teachings of Simmons and Gerace in front of him at the time of invention was made, to add program 31 of Gerace in the bulletin server of Simmons such that logging of logging interactive responses of bulletins is confirmed and stored at the bulletin server through the user viewing history.

This would have been also obvious because, as Gerace teaches, the tracking and profiling member also records demographics of each user. As a result, the data assembly is able to transmit advertisements for display (in case of Simmons , Bulletins) to users based on psychographic and demographic profiles of the user to provide targeted marketing.

Referring to claim 37,

Keeping in mind the teachings of Simmons as stated above for claim 16, although Simmons teaches detecting the number of simultaneously requested Web connections, based on the transmission of the bulletin messages (col. 5, line 31-34, "The bulletin server monitors information being relayed by the network access system to the external computer to determine the content, format, and destination of each piece of

information passing through the network access system." "For example, the bulletin server may be configured to send bulletins with pieces of information destined for a first set of users and not send bulletins with pieces of information destined for a second set of users. In such a configuration, only those pieces of information destined for the first set of users would be determined as being accompanied by a bulletin."), Simmons fails to teach the method of claim 16, further including the step of logging the number of simultaneously requested Web connections, based on the transmission of the bulletin messages,

Gerace teaches logging the number of simultaneously requested Web connections, based on the transmission of the bulletin messages, at Fig. 3G and col. 7, line 16-48 ("The User Viewing History Object 37f stores information indicative of the screen views displayed to the user in a session." "Lastly, the User Viewing History Object 37f records date and time of screen opening and closing for each screen view. The foregoing is stored in an object table record illustrated in FIG. 3g.", and col. 2, line 43-49, "In accordance with another aspect of the present invention, there is a module (e.g., advertisement module) that records history of users viewing the advertisements. For each advertisement, the module records (i) number of times viewed by a user; (ii) number of times selected for further information by a user, and/or (iii) number of purchases initiated from display of the advertisement to a user.")

Therefore it would have been an obvious to one of an ordinary skill in art, having the teachings of Simmons and Gerace in front of him at the time of invention was made, to add program 31 of Gerace in the bulletin server of Simmons such that logging

of the number of simultaneously requested Web connections, based on the transmission of the bulletin messages occurs for each user through the user viewing history.

This would have been also obvious because, as Gerace teaches, the tracking and profiling member also records demographics of each user. As a result, the data assembly is able to transmit advertisements for display (in case of Simmons , Bulletins) to users based on psychographic and demographic profiles of the user to provide targeted marketing.

12. Claim 38 is rejected under 35 U.S.C. 103(a) as being Unpatentable over Simmons (US 5, 974, 451) in view of Gerace (US 5, 991, 735), as applied to claims 16 and 37 above, and further in view of Smith, II et al. (hereinafter Smith)(US 2002/0013994 A1).

Referring to claim 38,

Simmons teaches detecting the number of simultaneously requested Web connections, based on the transmission of the bulletin messages (col. 5, line 31-34, "The bulletin server monitors information being relayed by the network access system to the external computer to determine the content, format, and destination of each piece of information passing through the network access system." "For example, the bulletin server may be configured to send bulletins with pieces of information destined for a first set of users and not send bulletins with pieces of information destined for a second set of users. In such a configuration, only those pieces of information destined for the first set of users would be determined as being accompanied by a bulletin."), Simmons fails

to teach the method of claim 16, further including the step of logging the number of simultaneously requested Web connections, based on the transmission of the bulletin messages,

Gerace teaches logging the number of simultaneously requested Web connections, based on the transmission of the bulletin messages, at Fig. 3G and col. 7, line 16-48 ("The User Viewing History Object 37f stores information indicative of the screen views displayed to the user in a session." "Lastly, the User Viewing History Object 37f records date and time of screen opening and closing for each screen view. The foregoing is stored in an object table record illustrated in FIG. 3g.", and col. 2, line 43-49, "In accordance with another aspect of the present invention, there is a module (e.g., advertisement module) that records history of users viewing the advertisements. For each advertisement, the module records (i) number of times viewed by a user; (ii) number of times selected for further information by a user, and/or (iii) number of purchases initiated from display of the advertisement to a user.")

Therefore it would have been an obvious to one of an ordinary skill in art, having the teachings of Simmons and Gerace in front of him at the time of invention was made, to add program 31 of Gerace in the bulletin server of Simmons such that logging of the number of simultaneously requested Web connections, based on the transmission of the bulletin messages occurs for each user through the user viewing history.

This would have been also obvious because, as Gerace teaches, the tracking and profiling member also records demographics of each user. As a result, the data

assembly is able to transmit advertisements for display (in case of Simmons , Bulletins) to users based on psychographic and demographic profiles of the user to provide targeted marketing.

Keeping in mind the combined teachings of Simmons and Gerace a stated above, both of these reference fail to teach the method of claim 37, further including the step of flagging subscribers that are utilizing more than one simultaneous device per subscription.

Smith teaches flagging subscribers that are utilizing more than one simultaneous device per subscription. (Para. [0022], "In one embodiment of the present invention, a user arranges with an information delivery service provider associated with the server 101 to have information delivered to the user's portable device. As part of the arrangement, the user provides profile data that, inter alia, characterizes the user's preferred portable device and a preferred high capacity presentation apparatus such as the user's computer and its peripherals. This profile data is stored in server memory 125.")

Therefore it would have been an obvious to one of an ordinary skill in art, having the combined teachings of Simmons and Gerace and the teachings of Smith in front of him at the time of invention was made, to add the teachings of Smith as part of the combined user profile created by Simmons and Gerace such that depending upon information content and format, as stated by Simmons, the bulletin can be sent to the appropriate device as the user prefers.

This would have been also obvious because, as Smith teaches further at para. [0022], "If it is assumed that a user has a wireless PDA and desires full information sent to a printer 115 coupled to the high capacity user computer equipment 113, a truncated information set will be generated for transmission to the PDA while the full information set is reserved to be sent to the printer. A specific example helps bring this service into focus. Assume the user has specified that information relating to stock market quotations for Corporation A be transmitted to the user's PDA when the PDA is operated as a portable and is logged-on to the service. The information delivery service server 101, via the network 103, obtains stock market information from the content provider 105. Included among the obtained stock market information are stock quotation headlines and summaries as well as detailed analyses and company profiles. (In an alternative embodiment, the information delivery service server itself extracts or truncates information obtained from a content provider). Since the user has specified that information be sent to the user's PDA, a Company A stock market quotation headline (or other information truncation) is formatted for the limited capacity PDA screen and transmitted by way of the network 103 to the ISP 117 for radio transmission to the wireless PDA 119."

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 6:30 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan A. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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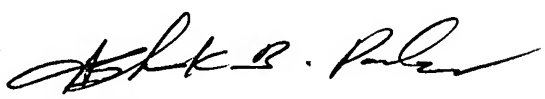

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